



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 13

In re Application of
Warren M. Farnworth *et al*
Application No. 09/875,063
Filed: June 6, 2001
Attorney Docket No. 4245US(98-0288)

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: DECISION ON PETITION
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This is a decision on the petition filed on July 19, 2004 by which petitioners request withdrawal of the examiner's holding that this application stands abandoned for failure to file a proper and timely reply to the final Office action dated October 8, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that the application is not abandoned because a timely and reply to the Office letter in question was actually filed November 24, 2003. Petitioners have supported this allegation by furnishing a copy of the reply, which is a 37 CFR 1.114 Request for Continued Examination (RCE) and a copy of a filing receipt for the reply which shows that the reply was in fact received in the Office on November 24, 2003, a date within the period set for filing a reply to the Office letter in question. Therefore, it is clear that this application is not abandoned. Office financial records show that the fee for the RCE was received and processed.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for entry of the RCE filed on November 24, 2003. Thereafter, the application will be forwarded to the examiner for appropriate action.

PETITION GRANTED.

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